

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

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**CEASE AND DESIST ORDER NO. R4-2016-XXXX
(FILE NO. 67-089)**

**REQUIRING SATICOY FOODS CORPORATION
TO UNDERTAKE ACTIONS
TOWARD COMPLIANCE WITH WASTE DISCHARGE REQUIREMENTS CONTAINED IN
THE WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES FROM
SATICOY FOODS**

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds:

BACKGROUND

1. Saticoy Foods Corporation (hereinafter Discharger) is subject to Waste Discharge Requirements (WDRs) contained in Order No. 95-130, adopted by the Regional Board on August 14, 1995, for the discharge of pepper processing wastewater to spray irrigation fields.
2. The Discharger owns and operates Saticoy Foods (facility) located at 554 Todd Road along Highway 126 (Santa Paula Freeway) about one mile southwest of the City of Santa Paula in Ventura County, California.
3. The facility is located on a 29-acre parcel. It has three main buildings: the production plant, the warehouse, and the office building. Currently, the production plant occupies a total of 40,000 square feet. The warehouse is located north of the production plant and occupies 126,000 square feet. The 1,800-square foot office is approximately 200 feet to the east of the warehouse.
4. The Discharger processes fresh peppers purchased from growers throughout California. Processing season starts in August and ends in November. On average, the duration of each processing season is approximately 70 days. There is no pepper processing or discharges from December to July and the facility only performs packaging for shipment during that time.
5. Groundwater is the sole source of potable water at the facility. There are three supply wells at the facility. Fresh water from wells SW-2 and SW-3 is used: (a) in the pepper processing operations to rinse and cook the peppers, (b) as makeup water for the two cooling towers, and (c) to clean the facility. Water is pumped from SW-2 and SW-3 into a common reservoir before delivery into the facility. Well SW-1 produces approximately 1,500 gallons per month for the use of facility dust control and cleaning only, but not for pepper processing. In 2015, a combined total of 20,200,000 gallons of water were produced from SW-2 and SW-3.

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July 14, 2016

6. A total of five (5) groundwater monitoring wells were installed within and around the spray irrigation fields. Monitoring wells MW-1, MW-2, and MW-3 were installed in February 1996. Monitoring wells MW-4 and MW-5 were installed in September 2015. Based on the groundwater flow direction in December 2015, monitoring wells MW-1 and MW-4 are upgradient, MW-2 and MW-3 are within Field 1, and MW-5 is down-gradient from the spray irrigation fields.
7. On June 16, 2016, the Discharger proposed one additional upgradient well, MW-6, and one additional downgradient well, MW-7, from the spray irrigation fields. Locations for both MW-6 and MW-7 were reviewed, revised, and approved by Regional Board staff on June 17, 2016.
8. During the 2015 processing season, the total volume of wastewater generated was approximately 20,200,000 gallons and the average wastewater discharged was 207,567 gallons per day (gpd) to the spray irrigation fields.
9. Based on the processing wastewater discharge record from 2011 to 2015, the maximum daily discharge of 681,000 gallons occurred on October 13, 2011.
10. Wastewater generated at the facility is collected in concrete-lined floor trenches and flows by gravity to a concrete containment sump. Treatment of wastewater at the facility currently consists only of removal of solids in excess of 0.04 inches. Submersible sump pumps lift the wastewaters, pulp, and solids from the concrete containment sump to two parabolic screens with 0.04-inch slots. Wastewaters passing through the screens are pumped into a surge tank. Screened wastewaters contained in the surge tank then flow by gravity to a 30,000-gallon sump located approximately half a mile south of the processing facility in the spray irrigation fields.
11. The spray irrigation fields consist of three fields (Field 1, Field 2, and Field 3) with a total of 40 acres. They are located along the northern bank of the Santa Clara River. All the spray irrigation fields are fallow lands with no vegetation or crops.
12. The numbers of sprinklers in use varies with the wastewater volume generated during the processing season. During the early and late portions of the processing season (August and November respectively), as the volume of wastewater generated is relatively low, the sprinklers will be manually moved around all the fields. During peak processing season (September and October), the sprinklers (wheel line or solid set sprinklers) will be discharging wastewater to Field 1 (which is divided into Primary Area 1 and Secondary Area), Field 2, and Field 3 (Primary Area 2).
13. Spray cycles are designed to last 6 days during most of the season, longer during the early and late season low flow periods. The areas irrigated will be rotated twice daily to provide good conditions for aerobic biodegradation. The 40 acres will be divided into 12 areas of 3.3 acres each. Each area is irrigated for approximately 11 hours and allowed to dry for the rest of the cycle (5.5 days). The average volume of water discharged to the spray irrigation fields for 11 hours is approximately 150,000 gpd on 3.3 acres. The spraying operation is shut down if there is any precipitation.

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14. The facility has a total of six restrooms. There are two restrooms in the production plant building, two restrooms in the warehouse building, and two restrooms in the office building.
15. Wastewater from the facility is discharged to three onsite wastewater treatment systems (OWTSs) including one (1) for the production plant, one (1) for the warehouse, and one (1) for the office; two (2) leach fields (one for the production plant and one for the office); and a mound leach field system (for the warehouse).

COMPLIANCE HISTORY

16. On May 8, 2014, the Regional Board issued a Notice of Violation (NOV) for failure to submit quarterly monitoring reports from the first quarter of 2011 to the fourth quarter of 2013. The NOV required the Discharger to immediately submit all the missing reports and to submit a report detailing corrective and actions taken. On May 28, 2014, the Discharger responded to the May 8, 2014 NOV and indicated that the missing reports were submitted but a misunderstanding with the use of GeoTracker format caused the reports not to be uploaded and sent. The Discharger submitted all the missing reports to GeoTracker on June 27, 2014.
17. On October 30, 2014, the Regional Board issued another NOV for deficient reporting, violations of effluent limitations for biochemical oxygen demand (BOD), total nitrogen, total dissolved solids (TDS), chloride, surfactant, and violations of groundwater limitations for TDS, sulfate, total nitrogen, chloride, boron, turbidity, color, odor, fecal coliform and total coliform. The NOV required the Discharger to immediately implement corrective and preventative actions to bring the discharge into compliance with effluent and groundwater limitations and to submit a report detailing corrective actions taken. On January 30, 2015, the Discharger provided a response to the NOV. In the response, the Discharger proposed corrective actions, which included adding additional area to the existing sprinkler irrigation fields or reducing the concentration of the particular constituent at issue, to address the violations. On February 25, 2015, Regional Board staff met with the Discharger to address the violations and the proposed corrective actions. Additional requirements for the corrective actions necessary to improve the effluent wastewater quality and to comply with the effluent limitations and groundwater quality objectives are included in the associated Cease and Desist Order No. R4-2016-YYYY.
18. WDR Order No. R4-2016-XXXX, adopted by the Regional Board on July 14, 2016 specifies requirements for Saticoy Foods Corporation. Saticoy Foods Corporation cannot achieve immediate compliance with the requirements listed in the WDR Order No. R4-2016-XXXX. Therefore this CDO sets forth a time schedule to allow the Discharger sufficient time to complete corrective and preventative actions to achieve compliance with the WDR Order.
19. Water Code section 13301 provides in pertinent part "When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons

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not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.”

20. Water Code section 13267 provides in pertinent part: “In conducting an investigation . . . the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region . . . shall furnish under penalty of perjury, technical or monitoring program reports which the regional board requires.”
21. The Discharger owns and operates Saticoy Foods and the technical or monitoring reports required by this Order are necessary to determine compliance with WDR Order No. R4-2016-XXXX and this CDO.

CALIFORNIA ENVIRONMENTAL QUALITY ACT AND NOTIFICATION

22. The issuance of a cease and desist order is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, sections 15308 and 15321, subdivision (a)(2).
23. On May 4, 2016, the Regional Board has notified the Discharger and interested agencies and persons of the intent to revise WDRs for this discharge, and has provided them with an opportunity to submit written comments by June 3, 2016.
24. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.
25. Pursuant to Water Code section 13320, any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Resources Control Board (P.O. Box 100, Sacramento, California, 95812) must receive the petition within 30 days of the date this Order is adopted. The regulations regarding petitions may be found at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml

IT IS HEREBY ORDERED that, pursuant to the CWC section 13301 and 13267, the Discharger, Saticoy Foods Corporation, shall cease and desist discharging waste in violation of CDO No. R4-2016-YYYY, by complying with the following:

1. The Discharger shall immediately comply with the effluent limits prescribed in WDR Order No. R4-2016-XXXX except BOD₅@20°C, nitrite as nitrogen (NO₂-N), total nitrogen, fixed dissolved solids (FDS), total dissolved solids (TDS), chloride, and surfactants.
2. The Discharger shall immediately comply with the interim effluent limits specified in the table below:

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Constituent	Units ¹	Daily Maximum ²	Monthly Average ³
BOD ₅ @20°C	lb/acre/day	--	560
Nitrite as Nitrogen (NO ₂ -N)	mg/L	1.9	1.5
Ammonia as Nitrogen	mg/L	19	16
Organic Nitrogen	mg/L	250	230
Total Nitrogen ⁴	mg/L	260	240
Fixed dissolved solids (FDS)	mg/L	2500	2400
Total dissolved solids (TDS)	mg/L	6000	5500
Chloride	mg/L	180	160
Surfactants	mg/L	3.6	3.6

¹lb/acre/day = pounds per acre per day; mg/L = milligrams per liter

²Based on the 99th percentile of the effluent data collected from 2011 to 2015

³Based on the 95th percentile of the effluent data collected from 2011 to 2015

⁴Total nitrogen = nitrate-N + nitrite-N + ammonia-N + Organic Nitrogen

3. By **September 1, 2016**, the Discharger shall submit an upgrade plan for OWTS upgrade in order to comply with effluent limits.
4. By **October 15, 2016**, the Discharger shall submit a groundwater work plan to assess the extent of any groundwater pollution or contamination caused by discharge from the OWTSs and processing wastewater. The groundwater investigation work plan shall identify the numbers and locations of the groundwater monitoring wells to determine site-specific groundwater flow direction and gradient for the purposes of adequately assessing any impacts to the quality of the receiving groundwater.
5. By **November 30, 2016**, the Discharger shall submit a work plan for the treatment of processing wastewater in order to comply with the effluent limits contained in WDR Order No. R4-2016-XXXX.
6. By **December 15, 2016**, the Discharger shall submit a report on the completion of upgrading the production plant building septic tank.
7. By **April 30, 2017**, the Discharger shall submit a groundwater investigation report outlining the extent of any groundwater pollution or contamination caused by previous discharges from the OWTS and the processing wastewater, and a mitigation plan (with schedule and milestones) to achieve compliance with all the groundwater limits contained in WDR Order No. R4-2016-XXXX.
8. By **July 31, 2017**, the Discharger shall complete treatment system installation and achieve compliance with all the effluent limits contained in WDR Order No. R4-2016-XXXX.
9. By **July 31, 2017**, the Discharger shall implement the mitigation plan to comply with all the groundwater limits contained in WDR Order No. R4-2016-XXXX.
10. By **December 31, 2017**, the Discharger shall submit a report for the study of evaluating

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the change of total nitrogen in groundwater resulting from the discharge. The study shall analyze the total nitrogen concentration in groundwater based on the discharge of various levels of total nitrogen at the effluent, and propose any alternatives to prevent further degradation of groundwater quality. Total nitrogen is defined as nitrate-nitrogen + nitrite-nitrogen + ammonia-nitrogen + organic nitrogen.

11. The Discharger shall submit quarterly progress reports on the status of the proposed investigation according to the following schedule with the first report due on **October 31, 2016**:

<u>Reporting Period</u>	<u>Report Due</u>
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

12. If, in the opinion of the Regional Board or its delegate, the Dischargers fail to comply with the provisions of this Order, the Regional Board may pursue further enforcement action. The Executive Officer or Assistant Executive Officer or other delegate may issue a complaint for administrative civil liability, or take any other applicable enforcement action. Failure to comply with this Order may result in the assessment of an administrative civil liability up to \$1,000 per violation per day, pursuant to Water Code section 13268; and/or \$5,000 per violation per day, pursuant to Water Code section 13350. Any discharge to waters of the United States may result in an administrative civil liability up to \$10,000 per discharge violation per day pursuant to Water Code section 13385. The Regional Board may refer this matter to the Attorney General for judicial enforcement. The Regional Board reserves its right to take any enforcement actions authorized by law.

ELECTRONIC SUBMITTAL OF INFORMATION

Dischargers are directed to submit all reports required under this CDO adopted by the Regional Board, including groundwater monitoring data in Electronic Data Format, discharge location data, and searchable Portable Document Format of reports and correspondence, to the State Water Resources Control Board GeoTracker database under Global ID WDR 100000853.

I, Samuel Unger, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on July 14, 2016.

Samuel Unger, P. E.
Executive Officer

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